

12-28-01

2632

ART UNIT: 2632

Newspaper Box Monitor--Deane Dorwin McMillen--09/756-345

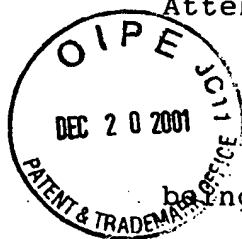
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JAN 03 2002

Technology Center 2600

Attention: Van T. Trieu;

DETAILED ACTION



Page 3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Marek (US 5,898,371).

6-18-02
(N.E.)

Notice of References Cited PTO-892 Art Unit 2632

US-5,898,371--Y. Marek: US-5,695,113--N.E. Rau, et al:
US-5,377,906--R. Mason: US-5,239,305--C.M. Murphy, et al:
US-4,794,377--A. Berages: US-3,611,333--T.S. Conigliaro:

I am requesting reconsideration; In response: All of the US Patents above are Mail Box Patents. They are all enclosed boxes or enclosed containers (protected from the weather) with doors or lids and flags (the flags are raised to tell the US mail delivery person to stop, that there is outgoing mail in the mail box, or there is a note and money in the mail box to pay for postage stamps or postal cards). The US Postal service can not deliver mail into a newspaper box and a newspaper company delivery person can not deliver a newspaper into a mail box (that is a Federal Law).

A newspaper companys newspaper box is very different from a mail box. A newspaper box is not an enclosed box or enclosed container with a door or lid and a flag. A newspaper box is a horizontal colored plastic tube with no door. It is wide open at the front (so the delivery person can shove the newspaper in to the newspaper box and not waste any time). As the front is open it has no protection from the weather (the wind can blow rain, snow, sleet and freezing rain into the newspaper box). The bottom of the newspaper box has a lot of holes for drainage.

There are different named newspaper companys that deliver to different subscribers in the same area. Each newspaper company has a different colored newspaper box (that way the delivery route people can easy tell which residences are their subscribers). I have 3 different colored newspaper boxes for 3 different citys newspaper companys (1 blue, 1 orange and 1 yellow). Each delivery person puts their companys newspapers in their own companys newspaper boxes on their newspaper routes. On most routes if newspaper boxes were not color coded the delivery people would not know which residences were their subscribers.

When a residence wants to subscribe to a newspaper they have to send a check or a Post Office Money Order in to the newspaper company, for how long they want the newspaper delivered (3 months, 6 months or 1 year). The newspaper company will have somebody come out to the address and install their companys colored newspaper box (AT NO CHARGE), as close to the residence as possible.

When the newspaper delivery person picks up the bundles of newspapers for their newspaper route they fold them to size, and in bad weather will put a plastic sleeve on them for protection. All they have to do then is drive along their newspaper route and shove them into the open front of their companys colored newspaper boxes. If anything slows them down on their routes at any newspaper box, they will throw the newspaper on the ground near the newspaper box and drive on (to complete their newspaper route as quickly as possible). The delivery people deliver newspapers as a part time job and want to complete their routes very fast. Most routes are only 1 or 2 hour jobs and do not pay much money. Some quit this job in 2 or 3 months.

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A mail box is paid for and installed by the person who wants a US POSTAL SERVICE Mailing Address at their residence. The US Postal Service protects that mail box by FEDERAL LAW. Only the US Postal Service (city or rural route mail delivery people) and the people who live at that address are permitted to put anything in or take anything out of that mail box. Any other people (including the Newspaper Delivery People) are subject to be arrested (IT IS A FEDERAL LAW).

The US Postal Service will not deliver a newspaper to a mail box with out Paid First Class Postage (determined by the weight of the newspaper). It would be delivered at least 1 day later than a newspaper delivered by a newspaper delivery person into their companys colored newspaper box, at the same address. And it would cost 3 or 4 times the amount of the newspapers cost, by its self.

For a newspaper company to get a cheaper rate delivered to a mail box, the newspaper company would have to go to a Post Office in their area and determine what citys, towns or rural routes they want the newspapers delivered to. The Post Office would determine how many mail boxes and Post Office Boxes they would deliver them to. The newspaper company would bring that many newspapers (to be weighed at the Post Office) and charged by STANDARD MAIL A RATE and the address on all of them would be POSTAL CUSTOMER. Everybody on them mail box routes and Post Office Boxes would get a free newspaper.

Why would anyone buy and install a PATENTED MAIL BOX, to take the place of the mail box at their residence, and get rid of the FREE AND INSTALLED colored newspaper box at their residence, WHEN THE NEWSPAPER DELIVERY PERSON CAN NOT DELIVER A NEWSPAPER INTO THE MAIL BOX (THAT IS A FEDERAL LAW). A NEWSPAPER BOX MONITOR IS PARTS THAT ARE EASY TO INSTALL INTO AN EXISTING FREE COLORED NEWSPAPER BOX. THIS NEWSPAPER BOX INVENTION HAS NOT BEEN PATENTED OR DESCRIBED IN A PRINTED PUBLICATION IN THIS OR A FOREIGN COUNTRY OR IN USE OR ON SALE IN THIS COUNTRY, OR ANY OTHER COUNTRY.

MAREK (5,898,371) WOULD NOT WORK IN AN EXISTING NEWSPAPER BOX.

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I DO NOT WANT TO INCORPORATE THE SPECIFICATION FILED ON JANUARY 8, 2001 INTO THE NEW SPECIFICATION FILED ON APRIL 24, 2001.

APPLICATION NUMBER -- 09/756,345
FILLING/RECEIPT DATE- 01/08/2001
NEWSPAPER MONITOR
DEANE DORWIN MCMILLEN
SPECIFICATION ----- 5 PAGES
CLAIM ----- 1 page
ABSTRACT OF THE DISCLOSURE 1 page
DRAWINGS ----- 4 sheets
OATH - PTD-12-09 ----- 1 page
DECLARATION PTD/SB/01 - 1 pages
37 CFR 1.16 (e) \$130.00 CHECK



HAVE HAD THESE FREE COLORED NEWSPAPER BOXES FOR OVER 30 YEARS. THERE ARE 4 DIFFERENT NEWSPAPERS DELIVERED A DAY, THE BLUE NEWSPAPER BOX (2 A DAY) - FORT WAYNE (IN) NEWSPAPERS INC. - JOURNAL-GAZETTE - MOURNING EDITION NEWSPAPER, NEWS-SENTINAL - EVENING EDITION NEWSPAPER; THE ORANGE NEWSPAPER BOX - VAN WERT (OH) TIMES BULLETIN - EVENING NEWSPAPER; THE YELLOW NEWSPAPER BOX - DECATUR (IN) DAILY DEMOCRAT - EVENING NEWSPAPER: ON SATURDAYS AND SUNDAYS (BECAUSE OF THE EXTRA ADVERTISEMENTS WITH THE NEWSPAPER) THE DELIVERY PEOPLE WILL PUT A LARGER PLASTIC SLEEVE ON THE NEWSPAPER ON BAD WEATHER DAYS.